

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JAMES EDWARD LANG, JR.,

Plaintiff,

Case No. 1:02-cv-121

vs.

JOHN E. POTTER, Postmaster  
General, *et al.*,

Perelman, M.J.

Defendants,

**ORDER: (1) DISMISSING DEFENDANTS' SECOND MOTION FOR  
PERMISSION TO FILE MOTION FOR SUMMARY JUDGMENT OUT OF TIME  
(Doc. 19) AS MOOT; AND (2) CLARIFYING THAT DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT (Doc. 15) IS ACCEPTED AS FILED**

This matter is before the Court on a motion by defendants for permission to file a motion for summary judgment out of time. (Doc. 19). The instant motion is a duplicate of a motion that was filed on February 23, 2004 and granted by Order entered on February 26, 2004. (*See* docs. 14, 17).

In light of this Court's Order of February 26, 2004, the instant motion (doc. 19) is **DISMISSED as moot**. Defendants' motion for summary judgment (doc. 15), tendered on February 23, 2004, is **ACCEPTED as FILED**.

**IT IS SO ORDERED.**

s/David S. Perelman

David S. Perelman  
United States Magistrate Judge